

**MINUTES**  
**TOWN OF EDGEWOOD**  
**REGULAR COUNCIL MEETING - APRIL 7, 2010 @ 6:30 P.M.**  
**EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present. Also present was Ms. Karen Mahalick, A.I.C.P., Administrator, Ms Estefanie B. Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**MOTION:** Councilor Hill made a motion to approve the Agenda. Councilor Abrams seconded the motion.

**VOTE:** Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**4. APPROVAL OF CONSENT AGENDA.**

- A. Regular Council Meeting Minutes of March 17, 2010.
- B. Acknowledge Receipt of Planning & Zoning Commission Meeting Minutes of March 15, 2010.
- C. Acknowledge Receipt of the Animal Control for the month of March, 2010.
- D. Code Compliance Report for March, 2010.
- E. Acknowledge Receipt of the "Things for Kids & Teens to Do" Sub-Committee Meeting Minutes for March 10, 2010.

**MOTION:** Councilor Abrams made a motion to approve the Consent Agenda. Councilor Simmons seconded the motion requested that Item 4A be called out for discussion. Councilor Abrams accepted the amendment to call out Item 4A for discussion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

Councilor Simmons asked for more information regarding the native seed for the soccer fields.

Ms. Mahalick clarified that the native seed was similar to what could be viewed from the sides of the roads in Edgewood and was not a suitable surface for athletic activities.

**MOTION:** Councilor Hill made a motion to approve the Minutes from March 17<sup>th</sup>, 2010. Councilor Abrams seconded the motion.

**VOTE:** Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**5. MATTERS FROM THE MAYOR.**

A. Golden Apple Foundation of New Mexico Proclamation.

Mayor Stearley read the Golden Apple Foundation of New Mexico Proclamation for the Council and Public.

Councilor Hill requested that a copy be sent to community schools.

**6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Simmons attended the District Meeting by the New Mexico Municipal League as well as the MRCOG meeting at which Mr. Art Swanka was named Chairman of the Water Board.

Councilor Hill discussed Census compliance rate for the area and the availability of these results on the Town website. He also discussed the Governors veto on the implementation of the food tax and the elimination of hold harmless provision.

Councilor Ring also discussed the Census and stressed the importance of participation as it impacts funding for highways as well as representation in Congress and at the state level.

**7. MATTERS FROM THE ATTORNEY.**

A. Annexation Update.

Mr. Rael provided an update on the status of the Annexation Appeal. He stated everything had been filled according to schedule and was moving forward as expected.

**8. MATTERS FROM THE MUNICIPAL JUDGE.**

A. Judge White will present his report for the month of March, 2010.

Judge White presented his report for the month of March, 2010. He also discussed the issue of rabies and discussed an informational pamphlet he was going to distribute to citizens that are cited into the court for failure to vaccinate their animals.

**9. MATTERS FROM THE ADMINSTRATOR/PLANNER.**

A. Appointment of Committee for Audit Firm – Multi-Year.

B. Appointment of Committee for CPA Firm – Single Year.

Ms. Mahalick reviewed this item for the Council stating that the contract with Porch & Associates had expired and therefore the Town would be accepting proposals for a new contract. She requested a committee be established to review the proposals that come forward and invited the Councilors to participate. She added that she would like the Committee to review both the Single Year audit proposals as well as the Multi- Year. Councilor Ring stated he would be happy to contribute to the Review Committee.

**MOTION:** Councilor Simmons made a motion to approve Councilor Ring, Ms. Mahalick, Mayor Stearley and Ms. Muller to serve on the Audit Firm Review Committee. Councilor Ring seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

C. Town of Edgewood Businesses listed on Chamber of Commerce website.

Mayor Stearley reviewed this item for the Council and asked the Council to request the Chamber place the names of local businesses on their web site by category.

Councilor Hill stated the businesses listed on the web site should be registered with the Town.

Councilor Simmons pointed out that many of the Chamber Member businesses are outside of the Town Boundaries and therefore would not be registered with the Town. Ms. Robin Foshee stated that the Chamber website had been recently updated and that current membership includes placement of business name, phone, and web site address. She added that the Moriarty Chamber only lists the names of the businesses.

**MOTION:** Councilor Ring requested the Chamber of Commerce list the local business names on their web site by category. Councilor Hill seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

#### D Review of Town's Personnel Ordinance.

##### 1. Nepotism Clause.

Ms. Mahalick reviewed this item for the Council.

Councilor Simmons expressed concern that the Town would be losing experienced employees for the YES program unless the Ordinance was amended.

Ms. Mahalick stated there would not be enough time to make a change effective for this year's program. She added this issue is very hotly contested as summer employment is competitive and Workforce Connection is going to pay a much higher wage than the Town would offer for these positions. Some of the individuals applying through Workforce Connections would not have had this opportunity if the Town had not opened it up and there is a great benefit and value in giving other children in the community the same opportunity for these positions. She continued that there is an appearance of the Town staffs kids having the first pick at these jobs. This appearance, although not intended, breeds discontent.

Council agreed that all the applicants should be on the same level and have the same opportunity for these positions.

Council and staff discussed the issue of volunteerism and agreed this portion of the Ordinance would need to be changed as volunteers are an integral part of the Town and its programs.

Ms. Mahalick stated she would bring back the changes for the Council to review.

##### 2. COMP Time.

Ms. Mahalick reviewed this item for the Council outlining an estimated cost to allow a number of the staff to cash in some of their COMP time.

Councilor Hill clarified that if this was made available for the Police Department it would have to be available for all Town staff.

Councilor Ring requested an estimated cost for the other Town Departments.

Councilor Hill suggested this may be better to discuss at the Budget Meeting when the numbers are available.

### 3. Promotion from Within.

Ms. Mahalick reviewed this item for the Council stating this would clarify the process and protect employees. She will provide language regarding this item at a later date.

### E. Y.E.S. Program Registration Fee.

Ms. Mahalick reviewed this item for the Council. The program will run from June 7 – July 15 at the Edgewood Elementary School 8AM – 5PM Monday –Thursday. Registration is \$100.00 per camper and begins Monday, May 3, at 6PM. She added she had not received the budget from Ms. Harrison but that they would be looking different ways to accomplish what they had set out to do with the program but a lot depends on the budget she comes forward with and the amount, if any, provided by Santa Fe County.

### F. Capital Improvement Projects.

#### 1. Soccer Fields.

Ms. Mahalick reviewed this item for the Council discussing the cost differences between completing the fields including water and maintenance for the first year and subsequent years, versus closing the project at this point and bringing the soil up to the EPA standards with native seed for erosion purposes.

Council and staff discussed the pros and cons of both situations as well as the volunteers available to assist in the fields completion and maintenance. They also discussed the improvements to the highway at this time or in the future as this would now be a Multi-Use Area.

**MOTION:** Councilor Abrams made a motion to complete the project as a Multi-Use field at a cost of \$150,000.00. Councilor Ring seconded the motion.

Councilor Ring urged the Soccer League to meet with the Town as soon as possible to begin working on a plan for volunteers and improvements.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

#### 2. Roads.

Ms. Mahalick updated the Council on the process for road dedication stating that one property owner was all that is required on the dedication petition. She also discussed the idea of a partnership with the residents of a road and the Town for funding the improvements and that Counsel had advised her it should either be maintained by the Town or not, not a partnership. She added that she had not received any requests for dedication to date but that a Public Notice will be issued for the first of May.

Mayor Stearley stated that the meeting was scheduled for May, in the hopes they would have the decision on the Annexation by that time, and now it looks like it could still be a couple of months.

Mayor Stearley requested Ms. Mahalick provided an estimated number of road miles in need of base course.

Ms. Mahalick stated she would have the information collected and an estimated cost but that there were still areas that the public has not responded about and the condition of the

roads varies so greatly it will be difficult to estimate a cost to bring them up to Town standards.

Councilor Abrams asked if it was possible to get a cost if all of the roads in the Town were accepted for maintenance.

Ms. Mahalick stated that she would estimate the total number of roads to be three times the amount the Town currently maintains and that she could provide an estimated cost at the meeting in May 1.

Councilor Ring offered thanks to the Road Crew for the improvements on Palomino.

#### G. Code of Ethics Review and Update.

Ms. Mahalick reviewed the changes she had made to the Code of Ethics Document at the request of Councilor Ring.

Councilor Ring discussed some of the items he felt were important to include. He added he would like the Council to look more closely at the Campaign Reporting portion of the Ordinance. He requested the other Councilors take a look at the changes and additions and bring it back for discussion at a later date.

Mayor Stearley asked if Councilor Ring would like the report on campaign contributions to be itemized.

Councilor Ring stated he was not looking for itemization he just wanted the reporting to apply to all candidates not just incumbent candidates.

Councilor Abrams stated he felt Campaign finance needed to be separate from this Ethics Ordinance because they are two very different issues and asked if they were looking to write something that went further than State Law.

Councilor Hill agreed there are two separate issues and the disclosure of contributions should be limited to the total amount.

Mr. Rael stated there probably was an Equal Protection argument to be made here and that everyone should have the same reporting policy whether they are currently serving or running for a position.

Councilor Abrams read the Tenth Amendment to the Constitution and requested that any portion of the Ethics Ordinance pertaining to Campaign Reporting be stricken from this document. There is nothing in the Constitution or the State Constitution that states Municipalities have to do this. He added that a Campaign Reporting Ordinance should be constructed as a completely separate document.

The Council agreed.

Ms. Mahalick reviewed her findings regarding New Mexico Arbitration Board.

Mr. Rael clarified that it was simply a New Mexico Arbitration Act in which the American Arbitration Association Rules apply and that the Town would still need to fund the costs for hiring an arbitrator.

#### H. 2010-2011 Budget Review.

Ms. Mahalick discussed the spreadsheet she provided that included the current status of the budget and projections. She added she would like to bring them a budget based on this year's revenues, as this would be a conservative approach in light of the Legislation regarding the Hold Harmless clause that could affect the budget as early as July 2011.

#### I. Edgewood Community Library-Edgewood Friends of Our Library Society Memorandum of Understanding.

Ms. Mahalick reviewed the MOU for the Council stating it had been through the Library Board and the Town Attorney.

**MOTION:** Councilor Simmons made a motion to approve the MOU between the Edgewood Community Library and the Edgewood Friends of Our Library Society. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

**J. Parks & Recreation Director's Position – Funding.**

Ms. Mahalick reviewed this item for the Council including the costs to fund the position for the 2 months remaining in the fiscal year.

Mayor Stearley asked if there was a need at this time to fill the position.

Ms. Mahalick responded that aside from the YES program someone would be needed to move any Parks & Recreation programs forward and she listed some of the programs and events that are forthcoming and the status of their budgets. She added there were volunteers available for a number of the events.

Councilor Hill suggested this be discussed at the budget meeting but to keep the position open until they have had a chance to review the financial situation.

Councilor Simmons discussed the fence that was to be erected between Wildlife West and COLTPAC.

Ms. Mahalick clarified that she had a meeting scheduled with COLTPAC to confirm the details.

Councilor Simmons asked which position needed to be filled first, Parks & Recreation or Planning & Zoning.

Ms. Mahalick responded that she had been training the Code Enforcement Officer for development review but as it gets busier there would be a need to fill the position.

Councilor Ring asked about potential volunteers for Planning & Zoning.

Ms. Mahalick responded there was not anything to be done at this point.

**10. E.V.E.D.A. QUARTERLY REPORT – Ms. Myra Pancrazio.**

Ms. Myra Pancrazio presented the Quarterly Report for E.V.E.D.A. She discussed Grants that may be available for renewable energy as well and employment opportunities and tax breaks for hiring individuals whom had been on unemployment for more than six months. Councilor Ring asked about the opportunity for the Town to reduce its contribution to E.V.E.D.A.

Ms. Pancrazio responded that they would be grateful for what they receive and she understands that money is tight in all the communities.

**11. CHAMBER OF COMMERCE QUARTERLY REPORT – Ms. Robin Foshee.**

Ms. Robin Foshee presented the Quarterly Report for the Chamber of Commerce. She also discussed the dates for several upcoming events.

**12. PUBLIC COMMENTS. Limit to 2 minutes per person.**

Mr. Robert Anaya introduced himself stating he was running for Santa Fe County Commissioner.

Ms. Sue West discussed the roads issues in the Town and stated she had submitted a petition for Willard Road. She also thanked the Council for considering the road issues. Ms. Diane Stearley discussed roads in the Town, Special Assessment Districts, and road performance standards.

Ms. Mahalick reviewed the process for establishing a Special Assessment District.

**13. ANNOUNCEMENTS & CALENDAR REVIEW.**

- A. Regular Council Meeting – April 21, 2010 @ 6:30 p.m.
- B. Regular Council Meeting – May 5, 2010 @ 6:30 p.m.
- C. Regular Council Meeting – May 19, 2010 @ 6:30 p.m.

**14. FUTURE AGENDA ITEMS.**

- A. Campbell Ranch Appeal – April 21, 2010.
- B. Schedule 2010-2011 Budget Preparation Meetings.

Mayor Stearley asked the Council to discuss a date and time for the Budget Preparation Meeting.

Council agreed to schedule the meeting for April 14, 2010 at 10:00 A.M. at the Town Municipal Office.

**15. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting.

**VOTE:** All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:09 P.M.

**PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of April, 2010**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer